

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

PAUL J. McNALLY, as he is TRUSTEE,  
MASSACHUSETTS LABORERS' HEALTH AND  
WELFARE FUND and NEW ENGLAND LABORERS'  
TRAINING TRUST FUND; JAMES MERLONI, JR.,  
as he is TRUSTEE, MASSACHUSETTS LABORERS'  
PENSION FUND and MASSACHUSETTS LEGAL  
SERVICES FUND; MARTIN F. WALSH, as he is  
TRUSTEE, MASSACHUSETTS LABORERS'  
ANNUITY FUND,

Plaintiffs

vs.

J. MICHAEL LANDSCAPING, INC.,  
Defendant

and

BARLETTA ENGINEERING CORPORATION;  
MODERN CONTINENTAL CONSTRUCTION CO.,  
INC.; and PEABODY CONSTRUCTION COMPANY,  
INC.,

Reach-and-Apply Defendants

C.A. No. 05-11624 RWZ

**PLAINTIFFS' MOTION FOR ENTRY OF DEFAULT JUDGMENT  
AGAINST J. MICHAEL LANDSCAPING, INC.**

Now come the Plaintiffs (hereinafter, the "Funds"), and request the Clerk, pursuant to Rule 55(b)(1), Fed.R.Civ.P., to enter default judgment in favor of the Funds and against Defendant J. Michael Landscaping, Inc. (hereinafter "J. Michael"), holding J. Michael liable for all unpaid contributions owed to the Funds, together with interest, statutory liquidated damages, reasonable attorneys' fees, and costs as follows:

A.	Principal owed to the Funds through November, 2004	\$76,042.18
B.	Prejudgment interest on the unpaid contributions, as mandated by 29 U.S.C. § 1132(g)(2)(B), if all contributions are paid by the end of December, 2005	\$20,250.14
C.	Liquidated damages as mandated by 29 U.S.C. §1132(g)(2)(C)	\$15,208.44
D.	Attorneys' Fees as mandated by §1132(g)(2)(D)	\$4,820.00
E.	Costs	\$510.88
<b>TOTAL</b>		<b>\$116,831.64</b>

As grounds therefore, Plaintiffs state that default has been entered against Defendant for failure to answer or otherwise defend as to the Complaint of the Plaintiffs. Plaintiffs' claim is for a sum certain. Finally, Defendant is neither an infant nor an incompetent person.

WHEREFORE, Plaintiffs respectfully request that default judgment be entered against J. Michael Landscaping, Inc.

Respectfully submitted,

PAUL J. McNALLY, as he is  
TRUSTEE, MASSACHUSETTS  
LABORERS' HEALTH AND WELFARE  
FUND, et al.,

By their attorneys,

/s/ Gregory A. Geiman  
Anne R. Sills, Esquire  
BBO #546576  
Gregory A. Geiman, Esquire  
BBO #655207  
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Boston, MA 02108

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Dated: June 5, 2006

**CERTIFICATE OF SERVICE**

This is to certify that a copy of the above Motion for Entry of Default Judgment has been served by first class mail upon Defendant, J. Michael Landscaping, Inc. by its attorney, Paul Hogan, Esquire at Hogan & Associates, 63 Chatham Street, Boston, MA 02109 and Reach-and-Apply Defendants, Barletta Engineering Corporation at 40 Shawmut Road, Suite #200, Canton, MA 02021, Modern Continental Construction Co., Inc. at 600 Memorial Drive, Cambridge, MA 02139, and Peabody Construction Company, Inc. at 536 Granite Street, Braintree, MA 02184 this 5<sup>th</sup> day of June, 2006.

/s/ Gregory A. Geiman  
Gregory A. Geiman, Esquire